

vacation request has been denied due to departmental operating needs.

Section 18.3 Pay upon Termination

Employees who terminate employment shall be paid in a lump sum for all unused vacation leave accrued in accordance with the provisions of this section prior to the date of termination.

Section 18.4 Scheduling

The times during the calendar year at which an employee shall take vacation shall be determined by the department head with due regard for the wishes of the employees and particular regard for the needs of the service with seniority governing when conflicts arise.

Section 19. Leaves of Absence

Section 19.1 Sick Leave

(a) Purpose. Sick leave shall not be considered a privilege which an employee may use at the employee's discretion, but shall be allowed in case of necessity and actual sickness or disability, except as provided in paragraphs (4) and (5) of subsection (b).

(b) Rate and conditions of accrual and utilization of sick leave:

(1) For full-time employees, sick leave shall be accrued at the rate of eight hours for each calendar month of service, except as provided in paragraph (3).

(2) Unused sick leave shall be accumulated at the rate of ninety-six (96) hours a year. There is no maximum amount which an employee may accrue.

(3) Sick leave, vacation leave, and holiday leave shall not accrue when the employee is on leave without pay.

(4) Employees of this bargaining unit shall be eligible to utilize sick leave upon accrual.

(5) Sick leave may be used for any disability, whether temporary or permanent, by injury or illness arising out of and in the course of the duties of the employee after expiration of salary continuation as provided in Section 19.2.

(6) In the event sick leave is taken by an employee instead of a leave of absence for industrial disability granted by state law where there is a bona fide dispute as to whether the disability is industrial, and such dispute is resolved in favor of the employee, any sick leave which was erroneously deducted from the employee's accumulated sick leave shall be restored to the employee.

(7) Procedure. In order to receive compensation while absent on sick leave, the

employee shall notify an immediate superior or the department head prior to the employee's scheduled starting time, or as outlined in written departmental procedures, if reasonably possible. The employee shall provide such notice daily unless other arrangements have been made. If an employee becomes ill while away from the employee's residence, the employee shall notify a supervisor of the employee's location, including address and telephone number. If the employee has previously been counseled or warned in writing by the supervisor regarding abuse of sick leave, the supervisor may direct the employee to return to the employee's residence if circumstances permit. The supervisor shall not unreasonably require the employee to return to the employee's residence.

(8) Signed statement. When an employee has been absent on sick leave, upon return to work the employee shall submit to the department head a personally signed statement indicating the nature of the illness, injury or disability. Such statement shall be on a form prescribed by the City for such purpose.

(9) Medical certificate. When an employee returns after an absence on sick leave in excess of one work day, the department head may require the employee to submit a certificate signed by a licensed physician indicating the nature of the illness, injury, or disability, in addition to the signed statement required pursuant to paragraph (8). If the employee has previously been counseled or warned in writing by the supervisor regarding abuse of sick leave, such certificate may be required by the department head after absence on sick leave for any amount of time. The City agrees to pay for the cost of obtaining said certificate to the extent that the employee's health insurance does not do so. The employee shall make every effort to take advantage of available insurance coverage.

(10) Duty to remain at home. Whenever an employee who has been previously counseled or warned in writing by the supervisor regarding abuse of sick leave is absent on sick leave, such employee shall remain at the employee's residence, except where hospitalized or attending to a medical appointment, unless the employee has made special arrangements with the employee's supervisor to be away from such residence. In considering any such special arrangement, the supervisor shall ascertain the nature of the illness, injury, or disability; the location(s) at which the employee is to be present; and the reason(s) the employee seeks to remain at a location other than the employee's residence. The supervisor shall only approve a special arrangement if there are legitimate reasons therefore, and if it would not deter the employee's ability to recover.

(11) Availability for notification.

(a) An employee who is absent on sick leave is expected to be available to answer telephone calls related to the illness, injury, or disability, or work-related matters. No employee shall refuse to answer a telephone call from a supervisory employee for that purpose.

(b) If the employee has previously been counseled or warned in writing by the supervisor regarding abuse of sick leave, the employee shall be available to receive visits from a supervisor related to the illness, injury, or disability or work-related matters. No such

employee shall refuse to receive a visit from a supervisory employee for such purposes.

(12) Suspension of sick leave. When, in the sole opinion of the City Council, a job action exists, it shall have the authority to suspend the use of sick leave benefits for the duration of the job action, retroactive to the beginning of such job action. The City Manager shall have sole discretion to grant exceptions for employees the Manager believes to have been ill or injured prior to the job action. As used herein, "job action" includes, but is not limited to, any strike, slowdown, stoppage of work, curtailment of production, concerted refusal of overtime work, refusal to operate designated equipment, or to perform customary duties due to any labor dispute, or any concerted refusal to appear at any assigned work station because of claimed or asserted sicknesses or disabilities.

(13) Sick leave on holidays. If an employee is absent on paid sick leave and a holiday occurs during such absence, the day shall be treated as a holiday taken and such pay shall not be charged against the employee's sick leave credit.

(14) Sick leave payout upon termination. In the event an employee's employment with the City is terminated as a result of retirement, death, or abolition of position, the following amount of unused sick leave shall be paid on termination of employment.

(a) Employees who have completed twenty (20) or more years of City service as a full-time employee: fifty percent (50%) of unused sick leave, or six hundred (600) hours, whichever is less.

(b) Other employees: Fifty percent (50%) of unused sick leave, or four hundred eighty (480) hours, whichever is less.

(15) Family sick leave. Upon the approval of the department head, an employee may use leave time as allowed by state and federal law (presently one half of earned time [48 hours]), when illness of a person of the employee's immediate household, or immediate family as defined in Section 19.3 normally residing within the employee's immediate household, or when the illness of the employee's husband, wife, son, daughter, mother or father, not normally residing within the employee's immediate household requires the employee to take care of such sick person.

Section 19.2 Industrial Disability Salary Continuation Program

Any regular employee who has suffered any disability arising out of and in the course of employment, as defined by the workers' compensation laws of the State of California, may be entitled to salary continuation while disabled without loss of compensation for the period of such disability to a maximum of 60 calendar days. Such salary continuation may be extended by the City Manager not to exceed one year. The City Manager may call for medical examinations as frequently as would be reasonably necessary, given the nature and extent of the injury and the degree of change of condition within a given period of time, but shall not schedule examinations so frequently as to constitute harassment of the employee. The City may terminate industrial disability salary continuation if a disability retirement is initiated.